

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LEONARD DORANCE OSTRANDER,

Plaintiff,

Case No. 23-cv-10768
Hon. Matthew F. Leitman

v.

ADAM GILLEY,

Defendants.

**ORDER (1) ADOPTING RECOMMENDED DISPOSITION OF REPORT
AND RECOMMENDATION (ECF No. 71) AND (2) DENYING
PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT (ECF No. 58)**

Plaintiff Leonard Dorance Ostrander is a state inmate in the custody of the Michigan Department of Corrections. In this action, Ostrander alleges that Defendant Adam Gilley used excessive force during an arrest in February 2022. (*See* Am. Compl., ECF No. 56.) One week after Ostrander filed his Amended Complaint, he filed a motion for summary judgment. (*See* Mot., ECF No. 58.)

On June 6, 2025, the assigned Magistrate Judge issued a report and recommendation in which she recommended that the Court deny the motion without prejudice (the “R&R”). (*See* R&R, ECF No. 71.) The Magistrate Judge explained that the motion was “premature,” and she told Ostrander that he could “move for summary judgment again after discovery closes and by the dispositive motion deadline of August 21, 2025.” (*Id.*, PageID.422-423.) The Magistrate Judge then

informed the parties that if they wished to file an objection to her recommendation, they needed to do so within fourteen days. (*See id.*, PageID.424-425.)

Ostrander has not filed any objections to the R&R. Nor has Ostrander contacted the Court seeking additional time to file objections. The failure to object to an R&R releases the Court from its duty to independently review the matter. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985). *See also Ivey v. Wilson*, 832 F.2d 950, (6th Cir. 1987) (where party fails to file “timely objections” to report and recommendation, court may accept that recommendation “without expressing any view on the merits of the magistrate’s conclusions”). Likewise, the failure to file objections to an R&R waives any further right to appeal. *See Howard v. Sec’y of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *Smith v. Detroit Fed’n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Nonetheless, the Court has reviewed the R&R and agrees with the Magistrate Judge that Ostrander’s motion is premature and should be denied.

Accordingly, for the reasons explained above, the Magistrate Judge’s recommended disposition of Ostrander’s summary judgment motion is **ADOPTED**. The motion (ECF No. 58) is **DENIED WITHOUT PREJUDICE**.

IT IS SO ORDERED.

Dated: June 26, 2025

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on June 26, 2025, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

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